

LOCKE LORD LLP

Thomas J. Cunningham (Bar No. 263729)  
tcunningham@lockelord.com  
300 South Grand Avenue, Suite 2600  
Los Angeles, California 90071  
Phone: 213-687-6738

P. Russell Perdew (*admitted pro hac vice*)  
[rperdew@lockelord.com](mailto:rperdew@lockelord.com)  
111 South Wacker Drive  
Chicago, Illinois 60606  
Phone: 312-443-1712

James C. Magid (Bar No. 233043)  
james.magid@lockelord.com  
44 Montgomery Street, Suite 4100  
San Francisco, California 94104  
Phone: 415-318-8810

Atorneys for Defendants  
OCWEN FINANCIAL CORPORATION, OCWEN LOAN SERVICING, LLC  
and WILLIAM C. ERBEY

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

VICTOR P. GIOTTA and LORALEE GIOTTA,  
on Behalf of Themselves and All Others  
Similarly Situated,

) Case No. 5:15-cv-00620-BLF  
) Hon. Beth L. Freeman  
)  
) CLASS ACTION  
) ~~UUUUUUUUUUXXΦ~~  
)  
) **STIPULATION TO EXTEND TIME TO**  
) **RESPOND TO SECOND AMENDED**  
) **COMPLAINT, MODIFY BRIEFING**  
) **SCHEDULE, AND FOR RELIEF**  
) **FROM ORDER SETTING CASE**  
) **MANAGEMENT CONFERENCE (L.R.**  
) **6-1(b), 6-2, 16-2(e))**  
)  
)  
)

## Defendants.

1 Pursuant to Local Rules 6-1(b), 6-2, and 16-2(e), Plaintiffs Victor P. Giotta and Loralee  
 2 Giotta (“the Giottas”), Defendants Ocwen Financial Corporation (“OFC”), Ocwen Loan Servicing,  
 3 LLC, (“OLS”), William C. Erbey (“Erbey”), and Altisource Solutions, Inc. (“ASI”) (collectively, the  
 4 “Parties”) hereby respectfully stipulate and jointly request that the Court to extend the time for  
 5 Defendants to respond to the second amended complaint, modify the briefing schedule for the same,  
 6 and continue the currently scheduled Case Management Conference and ADR Deadlines.

7 RECITALS

8 1. This action was commenced on February 9, 2015. (Dkt. 1).

9 2. On June 12, 2015, the Giottas filed their Amended Complaint. (Dkt. 41).

10 3. On June 19, 2015, the Parties filed a Stipulation to Extend Time to Respond to the  
 11 Amended Complaint, Modify Briefing Schedule, and for Relief from Stipulated Order Setting Case  
 12 Management Conference. The Court issued an order approving the stipulation and modified  
 13 schedule on June 22, 2015. (Dkt. 50).

14 4. On September 17, 2015, the Court held a hearing on the Motions to Dismiss the  
 15 Amended Complaint filed by OFC and OLS, ASI, and William C. Erbey, and took the motions  
 16 under advisement. At the hearing, the Court directed the Parties to meet and confer to develop an  
 17 alternative case management schedule.

18 5. On September 24, 2015, this Court reset the Case Management Conference for  
 19 January 7, 2016 at 11:00 a.m. and set the due date for the corresponding Case Management  
 20 Statement to be due by December 31, 2015. (Dkt. 68).

21 6. On December 11, 2015, this Court issued its Order 1) denying Defendant Erbey’s  
 22 motion to dismiss for lack of personal jurisdiction, 2) granting in part and denying in part Defendant  
 23 Erbey’s motion to dismiss for failure to state a claim, 3) granting in part and denying in part Ocwen  
 24 defendants’ motion to dismiss for failure to state a claim, and 4) granting defendant ASI’s motion to  
 25 dismiss for failure to state a claim (“12/11/2015 Order”). (Dkt. 74).

26 7. Defendants Erbey, OFC, and OLS, read the 12/11/2015 Order to have dismissed all  
 27 claims contained in the Amended Complaint as to Defendants Erbey, OFC, and OLS.

8. The Giottas do not agree that the 12/11/2015 Order dismissed all claims contained in the Amended Complaint as to Defendants Erbey, OFC, and OLS.

9. Nevertheless, the Parties agree that no defendant is required to file an answer as to any claim contained in the Amended Complaint.

10. The Parties agree that the Second Amended Complaint will supersede all counts and causes of action contained in the Amended Complaint.

11. The Parties also agree that Defendants Erbey, OFC, and OLS, are entitled to move to dismiss all claims and causes of action that will be contained in the Second Amended Complaint.

12. The Parties further agree that in its 12/11/2015 Order, the Court denied the motions to dismiss as to 1) Defendant Erbey's challenge to personal jurisdiction, and 2) the Defendants' arguments that the current lawsuit was barred because the Giottas failed to comply with the notice-and-cure provisions contained in the applicable Deeds of Trust. The Parties also agree that the Defendants do not need to further argue the two aforementioned issues in order to preserve them for appeal.

13. Per the 12/11/2015 Order, the Second Amended Complaint is due to be filed on January 15, 2016.

14. The Parties have met and conferred by phone and agree that additional time to respond to the second amended complaint is warranted given the complexity of the issues involved, and have agreed to the proposed briefing schedule detailed below. The Parties also agree that to maintain an orderly and efficient preparation of the case, and judicial efficiency and economy, the Scheduling Order should be modified to allow the Court to hear and potentially rule on the motions to dismiss prior to the Case Management Conference currently scheduled for January 7, 2016. The Parties do not believe that the postponement of the CMC or modified briefing schedule will significantly delay this action.

15. Pursuant to the foregoing, the Parties hereby stipulate and agree to the following modification and request the Court's approval of their stipulation to the proposed briefing and Case Management Schedule as follows:

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Event	Current Date	Stipulated, Requested New Date
Last day for Defendants to move to dismiss the second amended complaint.		2/12/2016
Last day for the Giottas to file oppositions to Defendants' motions to dismiss the second amended complaint.		3/11/2016
Last day for Defendants to file replies in support of motions to dismiss second amended the complaint.		4/1/2016
Hearing on Defendants' motion to dismiss the first amended complaint.		4/14/2016
Last day to meet and confer (Fed. R. Civ. Proc. 26(f) & ADR L.R.3-5), File ADR certification (Civil L.R. 16-8 (b) & ADR L.R. 3-5(b)), and file either Stipulation to ADR Process or Notice of Need for ADR Phone Conference (Civil L.R. 16-8 (c) & ADR L.R. 3-5(b) & (c))	12/16/2015	06/30/2016
Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report (FRCivP 26(a) (1)) and file Case Management Statement (Civil L.R. 16-9).	12/31/2015	07/14/2016
Initial Case Management Conference	1/7/2016	07/21/2016

**Locke Lord LLP**  
44 Montgomery Street, Suite 4100  
San Francisco, CA 94104

1 FEINSTEIN DOYLE PAYNE & KRAVEC, LLC  
2 DATED: December 29, 2015  
3

4 By: /s/ Joseph N. Kravec, Jr.  
5 Joseph N. Kravec, Jr.  
6 Attorneys for Plaintiffs  
7 Victor P. Giotta and Loralee Giotta  
8

9 DATED: December 29, 2015 DENTONS US LLP  
10

11 By: /s/ Andrew S. Azarmi  
12 Andrew S. Azarmi  
13 Attorneys for Defendants Altisource Solutions, Inc.  
14

15 DATED: December 29, 2015 LOCKE LORD LLP  
16

17 By: /s/ James C. Magid  
18 James C. Magid  
19 Attorneys for Defendants Ocwen Financial  
20 Corporation, Ocwen Loan Servicing LLC and  
21 William C. Erbey  
22

**CERTIFICATION**

23 Pursuant to Local Rule 5-1(i)(3), the filing attorney attests that he has obtained concurrence  
24 regarding the filing of this document from the indicated signatories to the document.  
25

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

26 Dated: December 29, 2015

  
27 Honorable Beth Labson Freeman  
28 United States District Judge